IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

Bail Appl..No. 5526 of 2007()

CRIME NO.504/07 OF PANDALAM POLICE STATION

: PETITIONERS/A1 TO A2:

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1. JOSE VARGHESE, AGED 27 YEARS,
S/O. JOY VARGHESE, JOSE BHAVANAM, ATTUVA MURI,
NORANADU VILLAGE.

2. MOLAMMA VARGHESE, AGED 56 YEARS,
-DO- -DO-.

BY ADV. SRI.S.MOHANAN

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, REPRESENTED BY THE
SUB INSPECTOR OF POLICE, PANDALAM POLICE STATION.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5526 of 2007

Dated this the 19th day of September, 2007

ORDER

Application for anticipatory bail. The petitioners are the husband and mother in law of the defacto complainant. They face allegations under Section 498 A I.P.C. The marriage between the spouses took place on 28.01.2005. They are blessed with one child in the matrimony. There is strain in the relationship between the parties. The crime is registered on the basis of a complaint filed by the defacto complainant, which was forwarded by the learned Magistrate to the police under Section 156(3) Cr.P.C. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied, in the facts and circumstances of the case, that the petitioners can be granted anticipatory bail. In coming to this conclusion, I take note of the submission of the learned Public Prosecutor that the victim has suffered no injury following any alleged physical cruelty. I do also take note of the circumstance that arrest and incarceration of the petitioners is likely to mar all possibilities of harmonious reconciliation of the matrimonial dispute.

3. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 26.09.07. They shall be enlarged on regular bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 27.09.07 & 28.09.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months. Subsequently the petitioners shall make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 26.09.07 as directed in clause (1) above, they shall be released from

custody on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 26.09.07.

(R.BASANT, JUDGE)

rtr/-